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November 10, 2011

Magistrate Maria-Elena James  
Courtroom B; 15<sup>th</sup> Floor  
San Francisco, Ca

Re: Dytch v. Yoon - CV-2915 MEJ

Dear Magistrate James::

This letter is filed to comply with your standing order re discovery disputes.

This action is brought pursuant to the Americans with Disabilities Act. Plaintiff alleges that he is a disabled wheelchair user. Defendant owns the property in Oakland where a Restaurant is operated. Plaintiff alleges that on April 17, 2010 he patronized the Restaurant and encountered violations of the ADA. Plaintiff seeks an injunction, damages and attorneys' fees.

This Action was set to be mediated in August 2011. However, right before the mediation was to take place, the parties entered into a settlement agreement. Pursuant to the agreement, money was to be paid by September 17, 2011. Payment of agreed upon money was stated in the agreement to be material. Pursuant to the agreement, if the money was not paid, the Action would continue. The money still has not been paid.

On September 20, 2011, Plaintiff propounded Interrogatories to the Defendant. Plaintiff has made attempts to induce the Defendant to serve Answers to the Interrogatories. These attempts have been e-mails, telephone conversations and the required "meet and confer". Still, no Answers to the Interrogatories have been served.

#### Unresolved Dispute

Defendant is obligated to serve Answers to the Interrogatories, but has not done so.

#### Plaintiff's Position

Defendant is obligated to serve Answers to the Interrogatories pursuant to FRCP 33.

Magistrate Judge Maria-Elena James  
Re: 11-2915 Discovery Dispute letter  
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Defendant's Position

Defendant does not have a position.

Very truly yours,

S/Thomas N. Stewart, III

THOMAS N. STEWART, III

TNS/t

S/David B. Whitman

DAVID B. WHITMAN

As there is no indication that the parties have met and conferred in person, the Court shall not consider Plaintiff's letter. The dispute may be resubmitted in compliance with the undersigned's discovery standing order, and specifically all requirements listed in paragraph 2.

Dated: November 10, 2011

